

the non-adhesive manually engageable tab portion of the second backing layer protrudes beyond the mating hook or loop fasteners.

64. The adhesive tape according to claim 60, wherein the adhesive tape or the second backing layer is stretchable due to the presence of the first backing layer or the second backing layer.

65. In a method comprising bonding an adhesive tape to an object, and optionally thereafter releasing said adhesive tape from said object by pulling on the adhesive tape in the direction of the length of the of the adhesive tape, the improvement which comprises employing as said adhesive tape the adhesive tape according to any one of the claims 55-64.

66. The method according to claim 65, wherein the object is non-planar.

67. The method according to claim 66, wherein the non-planar object is convex.

Remarks

I.

Reconsideration of the above-identified application is respectfully requested.

The applicants wish to thank the Examiner for the courteous interview on December 12, 2000. During the interview, the Examiner and the applicants' representatives discussed the applicants' recent submission of an IDS identifying U.S. Patent No. 6,086,973 to Hazes, which is a "reference" under *In re Oguie*, 517 F.2d 1182, 186 USPQ 227 (CCPA 1975), as to any claim in this application which interferes with any claim in the '973 patent.

II.

Claims 1, 41-43, and 45-53 are pending in this application, and stand rejected in the September 25, 2000 Official Action. Claims 2-40 and 44 have been canceled in a prior amendment. Claims 54-67 have been added by way of this amendment. These claims are patterned after the claims in the '973 patent to Hazes.

III.

The Official Action rejected claims 1, 41-43, 46-49, and 52 as anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,507,464 to Hamerski. The Official Action further rejected claims 1, 41-43, 45-49, and 52 as unpatentable under 35 U.S.C. 103(a) over the '464 patent to Hamerski. The Official Action contends that Hamerski relates to an adhesive comprising a stretchable first backing layer having first and second major surfaces, a non-adhesive manually engageable "table proton" (*sic*; "tab portion") at one end to facilitate stretching said backing layer, an adhesive surface over at least a portion of the first major surface of the backing, and a base member adhered to the second major surface of the backing. The Official Action further states that Figure 6 shows a support member engaged with the base member and that the support member can be magnets, hook and loop fasteners, etc.

IV.

The '464 patent to Hamerski discloses an article support using stretch releasing adhesives. Figures 3 and 4 illustrate a base member 30 of the article support. The base member 30 comprises a length of stretch release adhesive tape 20 and a handle 22. (Column 3, lines 55-60). The base member 30 has a male half of a dovetail slide the two portions of which are designated with reference numerals 32 and 34. Those slides serve as a means for attaching a

support member. (Column 4, lines 18-24). Figure 6 illustrates an article support member 40, with a rounded hook 46, attached to the base member 30. The specification discloses that other forms of support members may include catches, hook and loop fasteners, eyelets, magnets, corkboard, suction cups, and ribs. (Column 4, lines 46-49).

The applicants have amended claims 1, 41, and 50 to recite that the “separable connector surface comprises hook and loop fasteners.” While the specification of Hamerski discloses that other support members such as hook and loop fasteners, magnets, suction cups, and corkboard can be used in lieu of the rounded hook 46, it fails to enable such a combination.

For example, the specification of the ‘464 patent discloses that hooks and other article supports can be used to hang such things as towels, garments, and pictures. (Column 1, lines 12-14). However, one of ordinary skill in the art would understand that, when hanging a towel or garment over the rounded hook 46 of the disclosed invention, one would just drape the towel or garment over the hook. There is no teaching or instruction how to attach a hook or loop fastener to such a towel or garment. Indeed, one of ordinary skill in the art would deem it unnecessary, since one could just drape the towel or garment over the hook. The Hamerski patent is not enabling regarding hook and loop structures, and a reference that is not enabling cannot be an anticipation. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Moreover, the Official Action admits that Hamerski fails to teach a separable connector located between two stretchable backing layers (§ 7), or a second backing layer with outer adhesive surface separably connected to the first backing layer (§ 8). This admission in and of itself should be dispositive. Be that as it may, since the ‘464 patent fails to teach how to replace the simple rounded hook 46 with a more complex hook and loop system, it is not enabling and

not an anticipatory reference. Accordingly, the applicants respectfully request that the rejection under 102(b) be withdrawn.

V.

The Official Action rejected claims 1, 41-43, 45-49, and 52 under 35 U.S.C. 103(a) as being unpatentable over Hamerski. The Official action argues (1) that, while Hamerski fails to teach a separable connector between two stretchable backing layers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for a second stretchable backing layer because a hook and loop connector system is conventionally provided on separate adjacent backing layers and (2) that providing a second backing layer is mere duplication of the working parts of the invention. The applicants respectfully disagree with the Official Action's conclusions.

As an initial matter, claims 1, 41-43, 46-49, and 52 do not recite a second backing layer. Claim 45 is the only claim within this group that recites a second backing layer. As to claim 45, Hamerski would not make it obvious to one of ordinary skill in the art to provide a second backing layer. Hamerski discloses a rounded hook 46, and duplicating this rounded hook would not produce a system which mated with each other, nor would it lead one of ordinary skill in the art to come up with applicants' invention. And as stated *supra*, Hamerski simply does not enable one of ordinary skill in the art to make the leap from a single backing layer system with a simple independent rounded hook to a complex hook and loop system with a second backing layer. Consequently, the applicants respectfully submit that the rejection of the claims under 103(a) should be withdrawn.

VI.

The Official Action rejected claims 1, 41-43, 45-50, and 52 under 35 U.S.C. 103(a) as being unpatentable over Hamerski in view of U.S. Patent No. 6,004,642 to Langford.

The '642 patent to Langford discloses an internally separable tape laminate 10 (Figures 1 and 2a). The tape laminate 10 comprises first and second strips 12, and each strip 12 has inner and outer opposite major adhesive surfaces 15 and 16. Tape laminate 10 also has a manually engageable tab portion 17 at one end of strip 12. Each strip 12 can be released from the substrate to which it is adhered by pulling on the tab 17. The tape laminate 10 also has an internally separable layer 20. (Column 4, lines 17-30). The tape laminate 10 can be used to join two objects. Thereafter, the objects can be separated by applying a force which will cause internal layer 20 to separate. (Column 4, lines 62-66). Materials from which the separable layer 20 can be made include foam, paper, non-woven materials, and corrugated paper. (Column 5, lines 54-56).

Similar to the rejection under 35 U.S.C. 103(a) in paragraph 7 of the Official Action, claims 45 and 50 of the present application are the only claims among the rejected claims (i.e. 1, 41-43, 45-50, and 52) which recite a second backing layer.

Langford discloses an internally separable layer which is destroyed and not reusable when the two objects or substrates that it binds are separated. The internally separable layer is destroyed because it is comprised of such material as foam, paper, non-woven materials, or corrugated paper. The present application, on the other hand, discloses and claims a hook and loop system which is connectable, disconnectable, and re-connectable without any damage to the hook and loop system. There is no teaching or suggestion in the '642 patent to Langford to use such a hook and loop system, or even to use another non-destructable system. Therefore, it

would not have been obvious to one of ordinary skill in the art to come up with the applicants' invention in light of the Hammerski and Langford references.

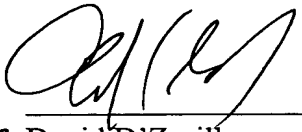
VII.

The Official Action rejected claims 51 and 53 under 35 U.S.C. 103(a) as being unpatentable over the '464 patent to Hamerski. Claim 51 recites an adhesive tape with a stretchable first backing layer to which is attached a separable connector surface comprising a surface of low-tack adhesive, and claim 53 recites an adhesive tape with a stretchable first backing layer to which is attached a separable connector surface comprising a layer of contact responsive material. As previously stated, the '464 patent to Hamerski discloses that the rounded hook 46 of the disclosed article support can be used to hang clothes and towels. One of ordinary skill in the art would have known that such clothes and towels can be hung on the rounded hook 46 without the use of additional connector systems. The Hamerski patent does not teach or enable one of skill in the art to use a surface of low tack adhesive or a layer of contact responsive material in conjunction with clothing or towels. The inventions recited in claims 51 and 53 therefore would not have been obvious to one of ordinary skill in the art in view of the '464 patent to Hamerski.

VIII.

For all the foregoing reasons, the applicants respectfully submit that the claims are in a condition for allowance, and they earnestly solicit a notice to that effect.

Respectfully submitted,


David D'Zurilla

Registration No. 36,776
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P. C.
1755 Jefferson Davis Highway
4th Floor
Arlington, Virginia 22202
(703) 413-3000 (telephone)
(703) 413-2220 (facsimile)

Of Counsel

Charles L. Gholz, Esq.
Registration No. 26,395
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P. C.
1755 Jefferson Davis Highway
4th Floor
Arlington, Virginia 22202
(703) 412-6485 (direct dial)
(703) 413-2220 (facsimile)
CCHOLZ@OBLON.COM (e-mail)

David B. Patchett, Esq.
Registration No. 39,326
3M
Office of Intellectual Property
P.O. Box 33427
St. Paul, MN 55133-3427
(651) 736-4713

I:\interference\cases-new\1997213M\Plead\Amendment.wpd



22850